

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SIMP McCORVEY III,

Plaintiff,

vs.

CIV. No. 97-1689 JP/WWD

**STATE OF FLORIDA, CITY OF PENSACOLA,
ESCAMBIA COUNTY, THE FLORIDA BAR,
JUDGE JOSEPH Q. TARBUCK, KATHRYN
ERRINGTON, MARK FREDERICK,
CHERYL HOWARD, and PAMELA McCORVEY,**

Defendants.

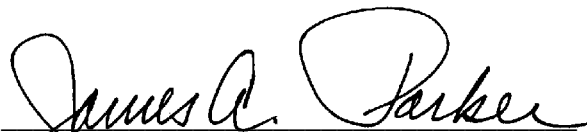
MEMORANDUM OPINION AND ORDER

The subject of this Order is Plaintiff's "Motion for the Release of the Complete Case File to the Plaintiff" [Doc. No. 16], filed June 23, 1998. Plaintiff's motion should be denied.

A litigant is not entitled to free copies of court documents absent proof of a particular need for those documents. See Schwarz v. Interpol, Office Of Information And Privacy, 48 F.3d 1232 (Table, text in Westlaw), Nos. 94-4111, 94-4142, 1995 WL 94664, at **2 (10th Cir. Feb. 28), cert. denied, 515 U.S. 1146, reh'g denied, 515 U.S. 1180 (1995); United States v. Anderson, No. 2:94cr163, 1997 WL 138970, at *3 (E.D. Va. March 14, 1997) (indigent must show particularized need); and cf. 28 U.S.C. § 753(f) (free copies of transcripts only if needed for resolution of lawsuit or appeal and action not frivolous). Even a party who has been granted leave to proceed in forma pauperis must prove his need for the documents. See Guinn v. Hoecker, 43 F.3d 1483 (Table, text in Westlaw), No. 94-1257, 1994 WL 702684 (10th Cir. Dec. 15, 1994)

(upholding requirement that movant prove need for documents), cert. denied, 514 U.S. 1118 (1995). Since Plaintiff's motion makes no showing of a particular need for the documents, the motion will have to be denied. In his Motion Plaintiff states that he never received a copy of Defendants State of Florida and Joseph Q. Tarbuck's Motion to Dismiss (Doc. No. 8). A copy of that Motion will be sent to Plaintiff along with a copy of this Memorandum Opinion and Order.

Therefore, it is ORDERED that Plaintiff's "Motion for the Release of the Complete Case File to the Plaintiff" [Doc. No. 16] is DENIED.


UNITED STATES DISTRICT JUDGE